is to be rejected as inadmissable against a person on trial for a particular offense. *Rafferty v. State,* 91 Tenn. 656.

CRIMINAL LAW — CONDUCT OF TRIAL — REMARKS OF JUDGE — O'SHEA V. PEOPLE, 75 N. E. 981 (ILL.). *Held,* in homicide, where the sole defense is insanity and the evidence is conflicting and the question close, the jury should be given no intimation by the trial judge as to the merits of the defense.

As a general rule, trial judges are inhibited by statute from discussing or commenting upon evidence. *Rodrignez v. State,* 5 S. W. 255; *Wessels v. Beeman,* 87 Mich. 481. Any remark tending to show the court's opinion has been held error, as a remark by trial judge "has it not already been shown that conspiracy existed to admit the evidence;" this being held to be a violation of a statute forbidding the judge making any remark calculated to convey to the jury his opinion of the case. *Crook v. State,* 11 S. W. 444; *Kirk v, State,* 32 S. W. 1045. It was held error for a court in the trial of a criminal case to make a remark to, or in the presence of, the jury, in reference to matter of fact, which might in any degree influence them in their verdict. *State v. Hurst,* 11 W. Va. 54; *State v. Swayze,* 30 La. Ann. 1323. But it is said that the expression of the opinion of the judge, on the weight of testimony, is not matter of error in law. *Gale v. Spooner,* 11 Vt. 152. If the case is in the least doubtful upon the evidence it might be error for the judge to express an opinion upon the evidence, but sometimes it might be the duty of the judge to express his opinion upon the evidence. *Johnston v. Commonwealth,* 85 Pa. St. 54. It seems that in the South and West a restriction is put upon the court by statutes, while in the East and Federal Courts the matter is one within the discretion of the court to a great extent.

DAMAGES — PERSONAL INJURIES — PLEADINGS. — HYNDS V. BROOKLYN HEIGHTS RY. CO., 97 N. Y. SUPP. 705. *Held,* that a complaint for personal injuries, alleging that plaintiff was struck in the abdomen and bruised, blackened, and injured there, and internally, authorizes evidence of eruptions that came out on the abdomen, though they were caused by the abdominal pains. Hirschberg, P. J., and Hooker, J., *dissenting.*

General advertisements of personal injury are sufficient in the absence of exception, *Graham v. J. H. Banland Co.,* 89 N. Y. SUPP. 595; *Fuchs v. St. Louis Trans. Co.,* 111 Mo. App. 324, and under an averment of a particular injury, all natural effects of that injury may be shown. *Comstock v. Georgetown Twp.* 100 N. W. 788 (Mich.); *Nichols v. Oregon Short Line Ry. Co.,* 28 Utah 319. But where particular injuries are described there can be no recovery for others not described. *Brown v. Manhattan Ry. Co.,* 94 N. Y. Supp. 190; *Union Pac. Ry. Co.,* 79 Pac. 152 (Kans.). Such injuries as do not necessarily result from the defendant's wrongful act, but flow from it as a natural and proximate consequence must be specially alleged in order that the defendant may have notice thereof and be prepared to meet the same upon the trial. *2 Greenleaf on Evidence,* Sec. 254; *Treadwell v. Whittier,* 80 Cal. 574; *Gumb v. Railway Co.,* 114 N. Y. 411. Where the complaint alleges the nature and permanent character of the injuries, the permanent loss and damage to plaintiff by reason of his impaired capacity, because of the injuries, for attending to business, may be given in evidence and considered by the jury in fixing the amount of damages without being specially pleaded. *Wade v. Leroy,* 61 U. S. 44; *Tyson v. Booth,* 100 Mass 266.